

in the dissemination of this information do not avail themselves of resolution in this very short time frame. In addition, we note that law enforcement officials conducting operations that result in the collection or assembly of this kind of information often will not be in a position to discern whether the information they have gathered actually qualifies as pertinent to foreign intelligence or counterintelligence. Accordingly, to the extent that disclosure becomes mandatory, we anticipate that a substantial and costly effort would be necessary to create the necessary screening process.

Section 11 of the amendment would require the creation of a joint task force to disrupt the fundraising activities of international terrorist organizations. We believe that this type of rigid, statutory mandate would interfere with the need for flexibility in tailoring enforcement strategies and mechanisms to fit the enforcement needs of the particular moment.

Section 12 of the amendment would require the Attorney General to submit a report on the means of improving controls of biological pathogens and the equipment necessary to produce biological weapons. Subsection 12(a)(2)(A) would require that the report include a list of equipment critical to the development, production, and delivery of biological weapons. We question the utility of such a list because it is our understanding that much of this equipment is dual-use and widely used for peaceful purposes. Section 12(b) directs the Secretary of Health and Human Services to undertake certain actions relating to protection and security of biological pathogens described in subsection (a). In keeping with the concerns regarding Executive branch authority, as discussed above, and the complexity and scope of this matter, the Administration believes that any authority should be vested in the President.

Moreover, section 12(a)(2)(B) would purport to require that the Attorney General submit a report to Congress on biological weapons that "shall include" the following:

(B) Recommendations for legislative language to make illegal the possession of the biological pathogens;

(C) Recommendations for legislative language to control the domestic sale and transfer of the equipment so identified under subparagraph A;

(D) Recommendations for legislative language to require the tagging or other means of marking of the equipment identified under subsection A.

We believe that these provisions are invalid under the Recommendations Clause, which provides that the President "shall from time to time . . . recommend to [Congress] . . . such Measures as he shall judge necessary and expedient." U.S. Const. art. II, §3. Legislation requiring the President to provide the Congress with policy recommendations or draft legislation infringes on powers reserved to the President by the Recommendations Clause, including the power to decline to offer any recommendation if, in the President's judgment, no recommendation is necessary or expedient. Legislation that requires the President's subordinates to provide Congress with policy recommendations or draft legislation interferes with the President's efforts to formulate and present his own recommendations and proposals and to control the policy agenda of his Administration.

The constitutional concerns raised by the proposed amendment would be addressed by revising these provisions in either of the following ways: (1) provide that the reports the Attorney General submits may, instead of shall, include recommendations or (2) provide that "the Attorney General shall, to the

extent that she deems it appropriate," submit such recommendations to Congress.

More generally, we understand that this amendment may bypass the hearing and referral process and be appended immediately to S. 2507, the Intelligence Authorization bill, now headed for consideration on the floor of the Senate. Given the complexity of the issues, we would welcome a more considered dialogue between the branches of Government.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

ROBERT RABEN,  
Assistant Attorney General.

#### SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

(Dollars in millions)		
	Budget authority	Outlays
Current Allocation:		
General purpose discretionary .....	\$607,973	\$597,098
Highways .....		26,920
Mass transit .....		4,639
Mandatory .....	327,787	310,215
Total .....	935,760	938,872
Adjustments:		
General purpose discretionary .....	+468	+105
Highways .....		
Mass transit .....		
Mandatory .....		
Total .....	+468	+105
Revised Allocation:		
General purpose discretionary .....	608,441	597,203
Highways .....		26,920
Mass transit .....		4,639
Mandatory .....	327,787	310,215
Total .....	936,228	938,977

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

(Dollars in millions)			
	Budget authority	Outlays	Surplus
Current Allocation: Budget Resolution .....	\$1,534,078	1,495,819	7,381
Adjustments: Emergencies .....	+468	+105	-105
Revised Allocation: Budget Resolution .....	1,534,546	1,495,924	7,276

#### COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT

Mr. GORTON. Mr. President, I regret I was unable to vote on the final passage of the Colorado Ute Indian Water Rights Settlement Act, S. 2508. Had I been present, I would have voted in favor of this legislation.

This legislation has the support of the Governor and Attorney General of

Colorado, the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe, the Native American Rights Fund, the Clinton Administration, not to mention the bi-partisan efforts of the Colorado and New Mexico delegations.

In addition, I would have voted in favor of the H.J. 115, the continuing resolution.

#### TRIBUTE TO SENATOR MOYNIHAN

Mr. FEINGOLD. Mr. President, today I rise to pay tribute to one of the greatest public servants among us: DANIEL PATRICK MOYNIHAN. For 24 years he has lent us the wisdom of his experience, the insights of his keen mind, and above all, the honor of his friendship. Senator MOYNIHAN reminds all of us what a Senator was intended to be. He is a leader who not only addresses the needs of his state, but who wrestles with the challenges facing the nation. Senator MOYNIHAN has been a great servant to the people of New York, but the legacy of accomplishments he leaves reach beyond New York's borders to touch the lives of every American.

With a brilliant intellect and an unwavering dedication, DANIEL PATRICK MOYNIHAN has helped us think through some of the toughest issues before this body, from welfare reform to taxation policy. He has worked to return secrecy to its limited but necessary role in government, an effort which I applaud. And he has lent his support to "The Fisc," the annual compilation of the balance of payments between the states and the federal government, which brings needed attention to the "donor" status of New York, Wisconsin and other states. He has done a great service to our understanding of federal spending with his longtime support of this effort.

Recently, I was proud to work with Senator MOYNIHAN on the Mother-to-Child HIV Prevention Act of 2000, S. 2032, the substance of which was incorporated into the Global AIDS and Tuberculosis Relief Act of 2000, and signed into law in August. It was an honor to work with him to get this legislation to the President's desk. Senator MOYNIHAN's keen grasp of foreign affairs, as well as his mastery of domestic and urban issues, will be missed as he retires from the Senate.

Senator MOYNIHAN's lifetime of public service, his wisdom and experience, have been a wonderful gift to this body. I know my colleagues join me in my admiration for Senator MOYNIHAN as a public servant, my respect for him as a colleague, and my appreciation for him as a friend. It has been a distinct honor for me to serve with Senator MOYNIHAN since I came to this body in 1993. PAT, I wish you all the best as you retire from the U.S. Senate, and I look forward to your continued contributions to the nation as one of the greatest political thinkers of our age.